

14281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:	)	Group Art Unit: 1743
Peter Lenehan	)	Examiner: Lyle Alexander
Serial No.: 09/845,513	)	
Filed: April 30, 2001	)	September 30, 2005
For: PORTABLE OXYGEN SENSOR ANALYZER	)	Pasadena, California

LETTER TO EXAMINER ALEXANDER

Commissioner For Patents  
Alexandria, VA 22313-1450

Sir:

Pursuant to our telephone conversation of yesterday, I am transmitting herewith a true and correct copy of the Notice of Appeal filed April 26, 2005, together with a true and correct copy of the postcard which was returned from the Patent Office — indicating that the Notice of Appeal was received in the Patent Office on April 28, 2005.

As you can see, my secretary inadvertently listed the application serial number on both documents incorrectly. In both documents, she listed the application serial number as 09/845,573 instead of the correct 09/845,513.

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14281

Our error in this regard was truly unintentional and inadvertent. The error resulted in no detriment to the public or to any other third party, and the applicant has not unfairly benefitted from the error. Accordingly, under these circumstances, applicant respectfully requests that his application be not deemed abandoned and that his appeal be allowed to go forward.

Respectfully submitted,  
SHELDON & MAK

Date: September 30, 2005

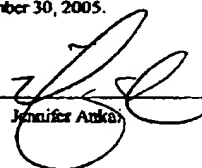
By Denton L. Anderson  
Denton L. Anderson  
Reg. No. 30,153

225 South Lake Avenue, 9<sup>th</sup> Floor  
Pasadena, California 91101  
(626) 796-4000

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I hereby certify that this correspondence is being fax-filed to  
Examiner Lyle Alexander with the Patent & Trademark office, at fax  
number (571) 273-1254, on September 30, 2005.

Signed: September 30, 2005 By: Jennifer Anka



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PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

14281

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on April 26, 2005Signature JilTyped or printed name Jennifer Ankei

In re Application of

Peter Lenehan

Application Number

09/845,573

Filed

4-30-01

For

Portable Oxygen Sensor...

Art Unit

1743

Examiner

Alexander, L.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 19-2096. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 36,153

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Denton L. Anderson  
Signature

Denton L. Anderson  
Typed or printed name

(626) 796-4000  
Telephone number

April 26, 2005  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

In re: Application of: Lenenan  
 Title: Portable Oxygen Sensor...

Serial No.: 09/845,573  
 Docket No.: 14281  
 Date Mailed: 4-26-05

Filing Date: 4/30/01  
 Attorney: DLA

The following has been received in the U.S. Patent Office on the date stamped hereon:

**PATENTS:**

- ☐ Transmittal Letter  
☐ Utility/Design Patent App. w/      total pages  
 (includes      specification;      claims;      abstract)  
☐ Drawings w/      sheets  
     ☐ formal                      ☐ informal  
☐ Oath/Declaration  
☐ Power of Attorney  
☐ Small Entity Dec. by a       
☐ Assignment  
☐ IDS w/PTO 1449 and References  
☐ Response to Missing Parts  
☐ Petition for Extension of Time  
☐ Amendment/Response  
☐ Issue Fee Transmittal  
☐ PCT Application

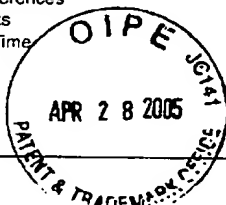
☐ Chapter II Demand

☒ Other Notice of Appeal

**TRADEMARKS**

- ☐ Transmittal Letter  
☐ ITU Application  
☐ TM/SM Application w/specimens  
☐ Request for Extension of Time  
☐ Amendment/Response  
☐ Statement of Use with 3 specimens  
☐ Amendment to Allege Use  
☐ Sec. 8 & 15 Affidavits  
☐ Renewal Application  
☐ Other

- ☐ Deposit Account  
☒ Certificate of Mailing



- ☐ Check No.      for \$       
☐ Certificate of Express Mail